

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

INCOME TAX APPLICATION No 15 of 1997

For Approval and Signature:

Hon'ble MR.JUSTICE R.K.ABICHANDANI and
MR.JUSTICE A.R.DAVE

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1. Whether Reporters of Local Papers may be allowed to see the judgements?
 2. To be referred to the Reporter or not?
 3. Whether Their Lordships wish to see the fair copy of the judgement?
 4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder?
 5. Whether it is to be circulated to the Civil Judge?

COMMISSIONER OF INCOME TAX

Versus

CADILA LABORATORIES P.LTD.CO.

Appearance:

MR MIHIR JOSHI for Petitioner
MR BP GUPTA for Respondent No. 1

CORAM : MR.JUSTICE R.K.ABICHANDANI and
MR.JUSTICE A.R.DAVE

Date of decision: 13/01/98

ORAL JUDGEMENT (Per R.K.Abichandani,J.)

The following questions are suggested by the
Revenue for the opinion of this Court in this application
made under Section 256 of the Income Tax Act:-

1. "Whether, the Appellate Tribunal is right in law

and on facts in directing the Assessing Officer to consider the amount of Rs. 68,000/- in respect of premia paid for purchase of deferred annuity policies in respect of two Managing Directors of the assessee company as perquisite for the purpose of Section 40A (5)"?

2. "Whether, the Appellate Tribunal is right in law and on facts in directing the Assessing Officer to allow depreciation on the staff quarters at Kandla when the flats purchased remained vacant during the previous year?"

After hearing the learned Counsel for both the sides, we are of the view that the aforesaid questions of law arise for our opinion from the order of the Tribunal and we therefore, direct the Appellate Tribunal to forward statement of case in respect of these two questions. This application is disposed of accordingly. Rule is made absolute with no order as to costs.

*/Mohandas